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TO: Simon J. Oh, Art Unit 1618 **FROM:** Frank C. Eisenschenk, Ph.D.

COMPANY: U.S. Patent Office **DATE:** July 26, 2006

FAX NO.: 1-571-273-8300 **NO. OF PAGES:** 3
(INCLUDING COVER SHEET)

SUBJECT/MESSAGE:

Re: U.S. Patent Application Docket No. MDH-100XCIT
COMPOSITIONS AND METHODS RELATING TO PREVENTION OF
CHEMOTHERAPY-INDUCED ALOPECIA
(Voellmy)
Serial No. 09/939,161; filed August 24, 2001

Attachment: Request for Withdrawal of Premature Final Rejection (2 pages)

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REQUEST FOR WITHDRAWAL OF
PREMATURE FINAL REJECTION
Examining Group 1618
Patent Application
Docket No. MDII-100XC1T
Serial No. 09/939,161

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Frank C. Eissenhenk

Frank C. Eissenhenk, Ph.D., Patent Attorney

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Examiner : Simon J. Oh
Art Unit : 1618
Applicant : Richard Voellmy
Serial No. : 09/939,161
Filed : August 24, 2001
Conf. No. : 4118
For : Compositions and Methods Relating to Prevention of Chemotherapy-
Induced Alopecia

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

REQUEST FOR WITHDRAWAL OF PREMATURE FINAL REJECTION

Sir:

Applicant hereby requests that the finality of the Office Action mailed June 1, 2006 in the above-identified patent application be withdrawn. As discussed in a telephonic conference of July 25, 2006 with the Examiner, Applicant's undersigned representative respectfully submitted that new grounds for rejecting the claims were articulated in the Office Action and that these new grounds of rejection were neither necessitated by Applicant's amendment of the claims nor based on information submitted in an information disclosure statement filed during the period set forth in 37 CFR 1.97(e) with the fee set forth in 37 CFR 1.17(p). Specifically, the Office Action has provided a new interpretation of the claims that was not set forth in the previous Office Action and Applicant has not been afforded an opportunity to address the issue articulated by the Examiner. Accordingly, it is respectfully submitted that the final rejection in this matter is premature and withdrawal of the finality of the Office Action is respectfully requested.

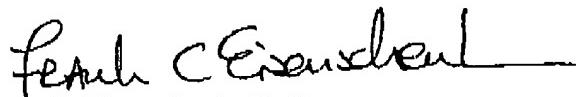
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Docket No. MDII-100XCIT
Serial No. 09/939,161

Applicant invites the Examiner to call the undersigned if clarification is needed on any of this response, or if the Examiner believes a telephonic interview would expedite the prosecution of the subject application to completion.

Respectfully submitted,



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